

REMARKS/ARGUMENTS

Applicant hereby responds to the Office Action mailed November 24, 2004 and the subsequent interview conducted between Applicant's attorney, Kelly W. Cunningham, Esq., and the Examiner on February 18, 2005. In the Office Action, the Examiner rejected claims 27 through 30 and 39 through 41 because of certain formalities. By this amendment, Applicant amends these claims as suggested by the Examiner.

The Examiner also rejected claims 27 through 30, taking the position that these claims were anticipated by U.S. Patent No. 610,716 issued to Marshall. In the subsequent interview with the Examiner, the Examiner indicated that claims 24 and 27 through 30 were mistakenly examined by him since they are outside the scope of the elected species elected by the Applicant on February 11, 2003, and since the Examiner had upheld his restriction requirement despite Applicant's traverse. Accordingly, claims 27 through 30 are hereby cancelled without prejudice to any future or pending application covering the same or similar subject matter, which Applicant believes is in condition for immediate allowance in this application as discussed below.

The Examiner also rejected claim 33, taking the position that this claim was anticipated by U.S. Patent No. 4,428,577 issued to Weingardt. In the subsequent telephonic interview, the Examiner recommended that the phrase "wherein said means

have ends extending in generally opposite directions” should be made with reference to the first two means recited in the claim. Accordingly, Applicant hereby amends claim 33 in order to seek immediate allowance of this claim without prejudice to any future or pending application covering the same or similar subject matter.

The Examiner also rejected claims 19, 23 through 24, and 37 through 41, taking the position that these claims were anticipated by U.S. Patent No. 6,022,203 issued to Abdo. In the subsequent interview with the Examiner, the Examiner recommended that Applicant positively recite that the elongated member is flat in order to overcome Abdo. Accordingly, Applicant hereby amends claims 37 in order to obtain immediate allowance of claim 37 and all dependent claims relating thereto, without prejudice to any future or pending application covering the same or similar subject matter.

Claims 19, 23, 24, 33, and 37 through 41 remain in this application. Claims 1 through 18, 20 through 22, 25, 26, 31, 32, and 34 through 36 have previously been cancelled, and claims 27 through 30 are cancelled by this amendment without prejudice to any future or pending application covering the same or similar subject matter. No new matter has been added to this application by way of any of the foregoing amendments.

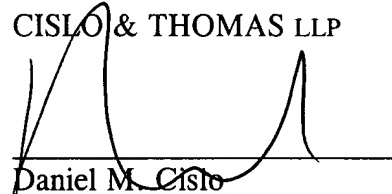
Application No. 09/923,469
Amendment dated February 24, 2005
Reply to Office Action of November 24, 2004
Attorney Docket No. 01-9343

Having responded to each of the Examiner's concerns, Applicant asserts that the application is now in condition for allowance and solicits such action. If a telephone interview will advance the allowance of the application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicant requests the Examiner contact Applicant's representative at the number listed below.

It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

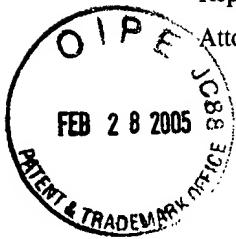

Daniel M. Cislo
Reg. No. 32,973

Date: February ²⁴____, 2005

CISLO & THOMAS LLP
233 Wilshire Boulevard, Suite 900
Santa Monica, California 90401
Tel: (310) 451-0647
Fax: (310) 394-4477
www.cislo.com

Z:\TMDocs\01-9343\Response to Nov 24 office action.DOC

Application No. 09/923,469
Amendment dated February 24, 2005
Reply to Office Action of November 24, 2004
Attorney Docket No. 01-9343

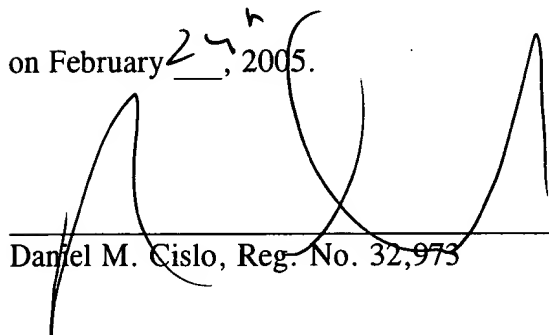


CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed as follows:

Mail Stop AMENDMENT
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

on February ²⁴24, 2005.



Daniel M. Cislo, Reg. No. 32,973

²⁻²⁴⁻⁰⁵

Date